

TROY LAW, PLLC
John Troy (JT 0481)
41-25 Kissena Boulevard Suite 119
Flushing, NY 11355
Tel: (718) 762-1324
Attorney for the Plaintiff, proposed FLSA Collective and potential Rule 23 Class

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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LIYOU XING,
on their own behalf and on behalf of others similarly situated, and

Plaintiffs,

v.

MAYFLOWER INTERNATIONAL HOTEL GROUP
INC

d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER BUSINESS GROUP, LLC
d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER INN CORPORATION
d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER WENYU LLC
d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

YAN ZHI HOTEL MANAGEMENT INC.
d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

MAYFLOWER 1-1 LLC
d/b/a Mayflower Hotel and
d/b/a Wyndham Garden;

YUEHUA HU,
WEI HONG HU a/k/a Weihong Hu, and
XIAOZHUANG GE

Defendants.

Case No. 18-cv-06616

29 U.S.C. § 216(b)
COLLECTIVE ACTION &
FED. R. CIV. P. 23 CLASS
ACTION

AFFIDAVIT OF SHUK C, NG-LAM IN SUPPORT OF PLAINTIFF'S MOTION FOR CONDITIONAL COLLECTIVE CERTIFICATION

I, Shuk C, NG-LAM, being duly sworn and under penalty of perjury, deposes and states as follows:

1. I am a resident of Queens, New York, and I am over 18 years of age.
2. I have personal knowledge of the matters stated below.
3. From on or about August 01, 2014 to June 30, 2015, I worked as a House Keeper employed by Defendants to work at the Mayflower Hotel at 61-27 186th Street, Fresh Meadows, NY 11365.
4. From on or about August 01, 2016 to January 31, 2018, my regular work schedule ran from 09:00 to 18:00 with one (1) hour meal break from 13:00 to 14:00 for eight (8) hours a day, besides that I need to worked overtime for one (1) hours per day for a total of 45 hours each week.
5. From on or about August 01, 2016 to March 31, 2017, I was paid a flat compensation at a rate of ten dollars (\$10.00) per hour.
6. From on or about April 01, 2017 to January 31, 2018 , I was paid a flat compensation at a rate of eleven dollars (\$11.00) per hour.
7. However, I was not paid for all hours worked at all relevant times.
8. At all relevant times, I was never informed of his hourly pay rate or any tip deductions toward the minimum wage.
9. Throughout my employment, I was not given a statement with his weekly payment reflecting employee's name, employer's name, employer's address and telephone number, employee's rate or rates of pay, any deductions made from employee's wages, any allowances claimed as part of the minimum wage, and the employee's gross and net wages for each pay day in Chinese, my native language.
10. Throughout my employment, I was not compensated at least at one-and-one-half his promised hourly wage for all hours worked above forty (40) in each workweek.

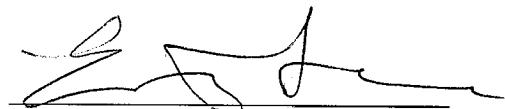
11. Throughout my employment, I was not compensated for New York's "spread of hours" premium for shifts that lasted longer than ten (10) hours at his promised rate.
12. I know that it is Defendants' policy to not pay any employee at time and a half rate for all of their overtime hours. I know this because I have talked with other employees, who has the same or similar working schedule as me, and was told that they were also not paid for the total amount of time they have worked, nor compensated for all of their overtime hours worked.
13. During my employment I befriended some of the co-workers who worked for Defendant suffered same practice and policy.
14. I know a co-worker who worked as house keeper and cleaner at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365. Her last name is Zhou.
15. Zhou is forty-five or forty-six years old and around 1.62 meters' height.
16. Zhou started working for the Defendants from on and about August, 2016, terminated on or about December, 2017.
17. During her employment, Zhou's working schedule ran from 9:00 to 18:00 with one-hour break from 13:00-14:00 for 5 days a week. Besides that, she need to worked overtime for around two hours per day. Throughout her employment with the Defendants he worked around 50 hours a week.
18. I know Zhou's schedule because we worked together every day during his employment.
19. I know Zhou was paid at the rate of \$10 per hour from August, 2016 and her rate promoted to \$11 per hour in March, 2017.
20. I know this because another employee of Defendant, Liu told me that when Liu heard Zhou's interview and boss told her.
21. I know another co-worker who worked as house keeper and elevator operator at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365. Her last name is Xu.
22. Xu is around thirty years old and around 1.60 meters' height. She told me she came from northern of China.

23. Xu started working for the Defendants from on and about August, 2016, terminated on or about December, 2017.
24. During her employment, Xu's working schedule ran from 9:00 to 18:00 with one-hour break from 13:00-14:00 for 5 days a week. Besides that, she need to worked overtime for around two hours per day. Throughout her employment with the Defendants he worked around 50 hours a week.
25. I know Xu's schedule because we worked together every day during his employment.
26. I know Xu was paid at the rate of \$10 per hour from August, 2016 and her rate promoted to \$11 per hour in March, 2017.
27. I know this because I talked to other employees, they told me that some employee sued boss for unpaid minimum wage in March, 2017. After that other house keepers' rate was raise to \$11 per hour.
28. I know another co-worker who worked as house keeper at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365. We referred her as "Xi Xi".
29. Xi Xi is around fifty years old and around 1.68 meters' height. She told me she came from Shanghai, China.
30. Xi Xi started working for the Defendants from on and about January, 2017, terminated on or about June, 2017.
31. During her employment, Xi Xi's working schedule ran from 9:00 to 18:00 with one-hour break from 13:00-14:00 for 5 days a week. Besides that, she need to worked overtime for around two hours per day. Throughout her employment with the Defendants he worked around 50 hours a week.
32. I know Xi Xi's schedule because we worked together every day during his employment.
33. I know Xi Xi was paid at the rate of \$10 per hour from August, 2016 and her rate promoted to \$11 per hour in March, 2017.
34. I know this because I talked to other employees, they told me that some employee sued boss for unpaid minimum wage in March, 2017. After that other house keepers' rate was raise to \$11 per hour.

35. I know another co-worker who worked as doorman at the Wyndham Garden Hotel at 61-27 186th Street, Fresh Meadows, NY 11365. His last name is Xue.
36. Xue is around fifty years old and around 1.85 meters' height. He told me she came from Shanghai, China.
37. Xue started working for the Defendants from on and about July, 2016, terminated on or about April, 2017.
38. During his employment, Xue's working schedule ran from 9:00 to 18:00 with one-hour break from 13:00-14:00 for 5 days a week. Throughout his employment with the Defendants he worked around 40 hours a week.
39. I know Xue's schedule because we worked together every day during his employment.
40. in March, 2017. After that other house keepers' rate was raise to \$11 per hour.
41. I sincerely believe there are other employees who are also other employees paid less and are not paid for all the hours they worked for the Defendants.
42. I sincerely hope that this Court allows me to represent the interest of my co-workers in this action. These Defendants exploited me and my co-workers, and it is my hope that we will be permitted to recover wages that we are owed.
43. This has been translated into my native language of Chinese and I understand the contents.

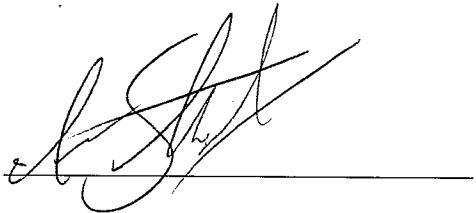
Dated: 03/26/2019

Flushing, NY



NG-Lam, Shuk

Sworn to me this 26th day of March, 2019



Notary Public

AARON B. SCHWEITZER
Notary Public, State of New York
No. 02SC6380865
Qualified in Nassau County
Commission Expires Sept. 17, 2022